

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, December 17, 2001, 7:00 p.m.

The Catawba County Board of Commissioners met in regular session on Monday, December 17, 2001, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chairman W. Steve Ikerd, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and Dan A. Hunsucker.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chairman Ikerd called the meeting to order at 7:00 p.m.

The Board of Commissioners thanked staff for the work they have done this past year and wished everyone a Merry Christmas.

2. Invocation offered by Reverend Joel Cherry.

3. Commissioner Barnes made a motion to approve the minutes from the Special Session of Friday, November 30, 2001, and Special Session (annual breakfast with Cooperative Extension Service staff) and Regular Session of Monday, December 3, 2001. The motion carried unanimously.

4. Special Guests.

Chairman Ikerd recognized Jesse Salwen, Chairman, Catawba Memorial Hospital Board of Trustees and Dr. Will Crawford, Superintendent, Newton-Conover City Schools.

5. Presentation of Proclamation:

- a. American Red Cross.

Commissioner Barnes requested that all of the American Red Cross come forward to be recognized and she presented the "American Red Cross Volunteer and Staff Appreciation Day" proclamation.

The Board declared Monday, December 17, 2001, as "American Red Cross Volunteer and Staff Appreciation Day" in Catawba County to recognize the work done by local Red Cross workers to bring relief to the areas hit by terrorist attacks on September 11. Catawba County citizens joined with those around the nation in mourning the tragic loss of life. Many Catawba County citizens responded by volunteering their time and expertise through the American Red Cross, and the staff of the Catawba Valley Chapter went above and beyond normal duties to assist in facilitating aid to New York, Pennsylvania and Washington. Commissioner Barnes presented copies of the proclamation to the American Red Cross, Catawba Memorial Hospital, and Frye Regional Medical Center and she recognized the following: Suzette Plaisted; Mai Vang, Libbie Sisk, Ronda Niver, Jean Williams, Vicki Riley, Darlene Schnick, Cathy Blevins, Alice Cote, Susan McDonald, Kimberly Sipe, Emily Austin, Aaron L. King, Dan Butterfield, Susan Quilici, Jane Earl, Josephine Young, Teresa Foster, Shelly Benfield, Michelle Gilbride, Suzanne Loftin, Carolyn Davis, Amy Cutshall, Terri Brendle, Dawn Hendren, Nancy Johnson, Barbara Sigmon, Tracy Andrews, Thomas Rasmussen, June Berry, Reba Pennell, Jean Cutshaw, Janet Johnston, Andrea Faw, Philip Lehigh, Eddie Beard, Karyn Yaussy, Beth Rudisill, and Karen Young.

Ms. Suzette Plaisted from the American Red Cross thanked the Commissioners and everyone that gave of their time to assist.

5. Public Hearings:

- a. A rezoning request of Herman Wilson Sigmon to rezone a 6.993 acre tract from R-2 Residential and C-3 Commercial to Planned Development- Mixed Use (PD-MU). This property is located in the Clines Township at 5841 St. Peters Church Road in Conover, NC; being parcels I.D. 3745-17-21-3363, 3745-17-21-1960, 3745-18-21-5364, and 3745-18-21-6566.

Mr. Richard B. Smith, Assistant Planner said this property is located in the Clines Township at 5841 St. Peters Church Road in Conover. It is further identified with Parcel I.D. numbers 3745-17-21-3363, 3745-17-21-1960, 3745-18-21-5364, and 3745-18-21-6566. The properties abutting all sides of this property are zoned R-2 Residential with a few being residentially developed. The subject property is zoned C-3 Commercial and R-2 Residential and is being used for a commercial retail tire center, a tax service office and a portion for farm usage (pasture). St. Peters Church Road (State Road #1453) is designated as a secondary State road in the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). The proposed second entrance for this project is located approximately two hundred feet from the intersection of St. Peters Church Road and Springs Road (State Road #1453/1517). Springs Road is identified in the Transportation Plan as an existing major thoroughfare. These routes are identified as primary traffic arteries and their principal function is to carry traffic. The 1999 traffic count near the intersection of Springs Road and Wandering Lane (SR #1511) is 8,100 vehicle trips per day. The Transportation Plan calls for a carrying capacity of 14,800 vehicle trips per day for Springs Road.

Mr. Smith said *VisionQuest 2010: Catawba County's Comprehensive Plan* designates this area as a "Rural Area." Rural Areas consists of farmland, open spaces and residential areas with the lowest development density. Limited public water or sewer extensions or major road improvements are planned for Rural Growth Management Areas during the life of this Plan. However, since this plan was adopted in 1996, public water has been extended out Springs Road and St. Peters Church Road to NC Highway 16. The following Land Use & Development policies apply to this request:

Policy 1.15 Address compatibility between land uses when making land use decisions.

Policy 1.31 Linear "stripping" of offices and retail establishments along thoroughfares shall be discouraged in favor of planned office parks or planned clusters of retail/office development with common access, parking, signage, etc.

Policy 1.32 Encourage retail and office uses to locate in designated areas well served by public infrastructure, especially adequate road capacity.

Policy 1.33 Encourage retail and office uses in areas located on an arterial, a major thoroughfare or major collector and in areas where turning movements are safe and interparcel access is available.

Policy 1.39 Encourage retail and office uses to be designated so that they are compatible with surrounding development and separated from residential neighborhoods by the use of buffering or "step-downs" in use and intensity.

Policy 1.40 Encourage reuse and revitalization of obsolete commercial and industrial facilities when located in appropriate areas.

Policy 1.48 Ensure that nonresidential sites are designed to include adequate buffering, parking and open space.

Policy 1.53 Encourage parking lot site plans that provide adequate areas for landscaping.

Mr. Smith said the applicant provided a site plan as required per Section 515.204 of the Zoning Ordinance. The applicant owns several of the tracts near the subject parcels and plans to reconfigure these lots for a more suitable planned development design. Staff has reviewed this site plan and found that it meets most of the requirements of the Zoning Ordinance. There are two existing signs located on the property and the plan shows an additional sign with one of the existing signs to be removed. Per the Zoning Ordinance, there must be a unified sign on this site for it to be approved as a planned development. The additional proposed driveway (closer to Springs Road) may help the traffic flow for entering and exiting traffic, but the applicant must apply for a driveway permit with the North Carolina Department of Transportation (NCDOT) before it can be approved. Monford Drive is a

private road; therefore it is not maintained by NCDOT. One of the property identification numbers on this site plan must be changed prior to the recordation of this lot reconfiguration.

The applicant is proposing to construct a 15,000 square foot building to accommodate a retail tire sales business and storage facility. The required parking for this type of facility is four units per 1,000 square feet of gross floor area. This would be equal to a requirement of sixty parking spaces and the applicant is showing sixty-six on the site plan. The Zoning Ordinance requires one loading dock per 8,000 square feet of building. The applicant has one loading dock on the site to accommodate the existing structures, but due to the square footage of the new structure, the applicant would be required to provide an additional loading dock. This has been depicted on the site plan. The ordinance requires a fifteen-foot buffer around this site where it abuts residential and the applicant has illustrated this on his plan. In addition to this requirement, the applicant must adhere to all other buffering and screening requirements of Section 515.060 of the Zoning Ordinance. Since the tract to the immediate west of this site is vacant, the applicant intends to apply for a waiver to the buffering requirement on this side of the property as permitted in Section 515.064. The applicant also owns this adjoining tract. The maximum permitted floor area for this particular planned development designation (PD-MX) is 1:2. The property contains approximately 39,500 square feet of existing floor space and is proposing an additional 15,000 square feet, 54,500 total square feet. This is well within the permitted ratio for this district since the proposed site contains 6.993 acres (304,615.8 square feet) and would allow up to approximately 152,000 square feet of floor space.

Mr. Smith said the Catawba County Zoning Ordinance, Section 515.022 C-3 Commercial District states: "The C-3 District is intended to recognize those uses which developed under previous county land use regulations, but which are not appropriate to the standards under these new regulations. This classification shall not be extended from the locations designated on the official zoning atlas nor shall new C-3 areas be designated." Since this particular district cannot be expanded and because this proposed structure will extend into a residential district, the only way that the applicant may add the additional commercial structure is to rezone the property. Section 515.208 of the Zoning Ordinance states: "A Planned Development-Mixed Use shall be used when more than one principal structure is planned on a zoning lot or when two or more permitted uses per principal structure is developed on a single zoning lot." The ordinance goes on to say, "Such districts are defined as Planned Development Districts for establishment of complementary groupings of residential, commercial, and office uses. Where existing developments exist, or proposed and previously approved developments are in progress, which are of a nature substantially in accord with the intent of these regulations, they may be rezoned to Planned Development- Mixed Use status..." There are several existing principal structures and existing commercial and office uses located on this property.

The Land Use Plan from the St. Stephens/Oxford Small Area Planning Committee has not been adopted thus far. However, this Committee has been made aware of this request and agrees with the recommendation to approve the request to rezone it to PD-MU. Based on this information, staff recommends the rezoning of this property from C-3 Commercial and R-2 Residential to PD-MU Planned District- Mixed Use.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Beatty made a motion to approved the rezoning of a 6.993 acre tract from R-2 Residential and C-3 Commercial to Planned Development- Mixed Use (PD-MU). This property is located in the Clines Township at 5841 St Peters Church Road in Conover, NC; being parcels I.D. 3745-17-21-3363, 3745-17-21-1960, 3745-18-21-5364, and 3745-18-21-6566. The motion carried unanimously.

- b. Proposed road name change for road located in Newton Township off Sandy Ford Road named Private Drive to Ole Mule Lane.

Ms. Connie P. Killian, E-911 Coordinator said as County E-911 staff continues to work on the countywide numbering system for E-911, a road named Private Drive was determined by staff to have an inappropriate road name. Staff felt that this road name could be very misleading if someone called 911 for emergency assistance, because there are streets in the County where people have placed

private drive signs on their driveways. Staff notified property owners along this street and informed them that this street name would be changed and asked for their input on a road name. E-911 staff received the proposed name of Ole Mule Lane from all the property owners (three) along this street, which made this a valid petition for the proposed road name. The proposed name was determined by E-911 staff to be a non-duplicate in the County. E-911 staff has advertised a public hearing for this meeting regarding the proposed road name. The Catawba County Planning Board at its Monday, November 26, 2001 meeting unanimously approved this proposed road name change.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Huffman made a motion to approved the road name change for road located in Newton Township off Sandy Ford Road named Private Drive to Ole Mule Lane. The motion carried unanimously.

- c. Proposed name of Heavenly Place Drive for new street located in Bandy's Township off Oren Stephens Road.

Ms. Connie P. Killian, E-911 Coordinator said Mr. Johnny Reep, owner of tract #3 requested that his driveway be named Heavenly Place Drive. This driveway is located in the middle of the 30-foot strip shown between tracts #1 and #2. Even though this road does not touch the other two properties, the property owners were notified of the proposed naming of the street. Because of the length of this driveway, which is approximately 1,300 feet, it meets County guidelines for naming a street. The name proposed is not a duplicate in the County and can be used for the name of this road. The Planning Board at its November 26, 2001 meeting unanimously approved this proposed name.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Barnes made a motion to approved the name of Heavenly Place Drive for new street located in Bandy's Township off Oren Stephens Road. The motion carried unanimously.

- d. Proposed amendment to the Catawba County Code of Ordinances, Subdivision Ordinance amendment - Section 514.002 Minor Subdivision Definition. To consider amending the Minor Subdivision definition to allow the residual tract, where a structure is located, not to be counted as a new subdivision lot.

Mr. Rich A. Hoffman, Assistant Planner said the Subdivision Ordinance was amended on September 8, 1999, with one of the changes being an amendment to the Minor Subdivision definition. The change allows up to five-lots that front along an existing State-maintained road to be reviewed as a Minor Subdivision. Prior to this change there was not a limit to the number of lots that could front along a State-maintained road. The five-lot limit was intended to allow for some growth while the Zoning Matrix (requiring minimum 2-acre lots depending of infrastructure) is in effect. Currently, staff interprets the Subdivision Ordinance as counting an existing home on a parcel prior to subdividing, as one of the five lots. Referring to the North Carolina General Statute definition, a subdivision includes divisions of land for the purpose of sale or building development. It therefore makes sense that a lot with an existing structure should not fall under the subdivision definition. By amending the Ordinance to exempt the existing structure from being counted as a new lot, the developer would then be afforded five new building lots. This change would create consistency with the Family Subdivision definition as well. The Planning Board conducted a public hearing on November 26, 2001 and voted unanimously to recommend the amendment.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

**Subdivision Ordinance amendment - Section 514.002 Minor Subdivision Definition**

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

**MINOR SUBDIVISION.** A minor subdivision is defined as non-family subdivision where;

- (1) Five or fewer lots are created that front along an existing state-maintained road; or
- (2) Five or fewer lots are created that front along a minimum 45-foot dedicated right-of-way that was platted and recorded prior to September 30, 1975.
- (3) Five or fewer lots are created that front along an existing non-State maintained road which is paved to State standards as verified by NCDOT.

In determining the number of lots created, the following criteria is hereby established:

- (a) The tract where a residential structure is located will not be considered a new lot.

This 17<sup>th</sup> day of December, 2001.

W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

Commissioner Hunsucker made a motion to approved the aforementioned amendment. The motion carried unanimously.

- e. Proposed amendment to the Catawba County Code of Ordinances, Subdivision Ordinance amendment - 514.039 CLUSTER AND TRADITIONAL SUBDIVISION OPEN SPACE DESIGN REQUIREMENTS. To consider amending the Subdivision Ordinance to define the amount of power line rights-of-way allowed to be used as required open space for a cluster subdivision.

County Staff Attorney Debra Bechtel said the Subdivision Ordinance was amended several months ago with 30 percent of open space set aside for a cluster subdivision and the Planning Department had received a request for a cluster subdivision on Lake Norman where the entire 30 percent of open space was under a power line. She said the Tax Office looks at it as anywhere from 10 percent to 80 percent difference in tax rate because of property that goes under the power line. She said they were making a recommendation of 50 percent but after further consideration they recommend 75 percent. That being 75 percent of the open space could be committed to under the power line with the 25 percent having to be outside the power line area but still reserved for open space so that there would be some greenery, park, or tree area that was not directly under the power line.

The Planning Board held a public hearing and approved the proposed amendment 7-2.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

**Subdivision Ordinance amendment - 514.039 CLUSTER AND TRADITIONAL SUBDIVISION OPEN SPACE DESIGN REQUIREMENTS.**

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

- (J) Evaluation Criteria

- (9) Where powerline rights-of-way are proposed to be included as part of the open space, the right-of-way shall not exceed 75% of the required open space as stated in 514.039 (E).

This 17<sup>th</sup> day of December, 2001.

W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

Commissioner Huffman made a motion to approved the amendment where powerline rights-of-way are proposed to be included as part of the open space, the right-of-way shall not exceed 75 percent of the required open space. The motion carried unanimously.

- f. Proposed amendment to the Catawba County Code of Ordinances, Subdivision Ordinance amendment - Create Section 514.055 UNDERGROUND UTILITIES. To consider amending the Subdivision ordinance to create Section 514.055 UNDERGROUND UTILITIES. This will require all new major subdivisions to install underground utilities for electricity, telephone, cable, etc.

Mr. Rich A. Hoffman, Assistant Planner said currently the Subdivision Ordinance does not require developments to conform to underground utility installation. However, this is a requirement in the Highway 321 Corridor for non-residential development. According to Duke Power, overhead utilities are not the common trend in subdivision development. Developers are requesting underground utilities unless costs preclude it. Additionally, according to Catawba County's Building Inspection Department, most new subdivision resident connections are underground. Underground utilities create better aesthetics for a community and also help to minimize power outages in the event of wind or ice storms. In reviewing other jurisdiction's ordinances, staff found that Guilford County's Ordinance states that electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless their Technical Review Committee determines underground installation is inappropriate. Rowan County's Ordinance states that electrical distribution systems telephone lines, cable television lines and other wire installation shall be underground unless the unfeasibility of such installation has been documented and is submitted to the Subdivision Administrator or Board of Commissioners. Also, Hickory recently adopted language requiring underground utility installations in major subdivisions.

Mr. Hoffman said the Planning Board conducted a public hearing on November 26, 2001. A Board member brought up the question of cost to the developer to install underground utilities. Staff conducted research on this and found the following:

Generally, Duke Power does not charge extra for underground service as compared to above-ground service, provided that the service line does not exceed 300-feet per lot on average for the subdivision. For example, if there are 10 lots in a subdivision, then the developer is allotted 3,000 feet of service line to the transformers. If the length of service line exceeds the allotment, then there is there is a charge of \$3 to \$4 per foot beyond the allotment.

The Planning Board voted unanimously to recommend an amendment to the Catawba County Subdivision Ordinance.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

**Subdivision Ordinance amendment - Create Section 514.055 UNDERGROUND UTILITIES.**

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

All new on-site utilities (electric, telephone, cable, etc.) in major subdivisions shall be located underground unless technical restrictions prohibit doing so. The Subdivision Review Board shall determine if technical restrictions are applicable. Appropriate utility easements shall be noted on final major subdivision plats referring to underground utility locations.

This 17<sup>th</sup> day of December, 2001.

W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

Commissioner Barnes made a motion to approved the aforementioned ordinance. The motion carried unanimously.

- g. Proposed amendment to the Catawba County Code of Ordinances, Zoning Ordinance Amendment - Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached

Residential and Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential. To consider allowing the first five-lots in a subdivision to be platted at a minimum of 20,000 square feet for a single-family lot or 30,000 square feet for a duplex lot when new road right-of-way and new road construction is required.

Mr. Rich A. Hoffman, Assistant Planner said in September 1999, the Zoning Ordinance was amended to create the Zoning Matrix, (2-acre lot requirement when public water and school capacity is not available). Along with the changes, the first five (5) lots off a State road are exempt from the 2-acre requirements. The current Ordinance does not allow a new development to be exempt from the Zoning Matrix when a new road is required. We have had some requests from developers who wish to build a new road into a parcel, yet are discouraged due to the minimum 2-acre requirement. If we allow 5-lot subdivisions (at less than 2-acres) off the State road, then we may want to consider allowing 5-lot subdivisions (at less than 2-acres) when new road construction is required.

Mr. Hoffman said further benefit could be realized by allowing five lots or fewer subdivisions (to be less than 2-acres and not be subject to infrastructure requirements) to be able to plat and build a new road since it could help to reduce road stripping of the State road. If there is not existing State road frontage then the developer would have to create a new public right-of-way and the Ordinance requires all lots to meet the 2-acre minimum for single-family lots and 3-acre minimum for duplex lots (when public water and school capacity is not available). By adhering to this requirement we are encouraging a subdivision to take advantage of the existing State road frontage. If the Ordinance were amended to allow the first five lots to be minimum 20,000 square feet for single-family lots and 30,000 square feet for duplex lots, regardless of whether or not there is existing State road frontage, then this would offer an alternative to using the State road for all the lot frontages. New lots with frontage along the interior road would reduce the driveways on the existing State road. This also would provide opportunities for small tracts of land where there is limited existing State road frontage.

Pros of this request:

- 1) Possibly less driveway entrances onto existing State roads.
- 2) Enable small tracts of land with limited State road frontage to be developed, which may not have been otherwise.

Con of this request:

- 1) May place more impact on existing schools by allowing small tracts of land to be developed that may not have been.

Mr. Hoffman said the Planning Board conducted a public hearing on November 26, 2001 and voted unanimously to recommend an amendment to the Catawba County Zoning Ordinance.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

**Zoning Ordinance Amendment - Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached Residential and Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential.**

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached Residential

<sup>1</sup> Standard 1 applies to all lots in a Subdivision (as defined in Section 514.002 of the Subdivision Ordinance) consisting of cumulatively five or fewer new lots created after the effective date of these regulations ~~unless public road construction is required~~. The residual tract of land shall be included in counting the total number of lots unless the residual tract is a minimum of 2 acres and/or a residential structure exists on the tract. ~~If public road construction is required, then Standard 2 applies.~~ Standard 1 lots are not subject to the standards of Table 515-2C. Lots created prior to the effective date of Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached

Residential shall adhere to Standard 1 required yards, maximum lot coverage and maximum permitted building height.

Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential

<sup>1</sup> Standard 1 applies to all lots in a Subdivision (as defined in Section 514.002 of the Subdivision Ordinance) consisting of cumulatively five or fewer new lots created after the effective date of these regulations ~~unless public road construction is required~~. The residual tract of land shall be included in counting the total number of lots unless the residual tract is a minimum of 2 acres and/or a residential structure exists on the tract. ~~If public road construction is required, then Standard 2 applies~~. Standard 1 lots are not subject to the standards of Table 515-2C. Lots created prior to the effective date of Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential shall adhere to Standard 1 required yards, maximum lot coverage and maximum permitted building height.

This 17<sup>th</sup> day of December, 2001.

W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

Commissioner Barnes made a motion to approved the amendment to the aforementioned ordinance. The motion carried unanimously.

6. Special guests not listed on agenda.

Chairman Ikerd recognized Ms. Vickie Greene from the *Hickory Daily Record* and said Ms. Greene will be leaving the newspaper and going to work for the Caldwell County Social Services Department.

7. Appointments:

**Resource & Referral Service Board:**

Commissioner Huffman reappointed Linda D. Ellis and Carol S. Hall for second, two-year terms, which will expire December 31, 2003.

**Catawba Memorial Hospital Board of Trustees:**

Chairman Ikerd appointed Ronald Lindler replacing Ronald E. Deal who was not eligible for reappointment. Mr. Lindler's four year term will expire December 31, 2005.

Chairman Ikerd appointed Dr. Don Campbell replacing Dr. Joel B. Miller who was not eligible for reappointment. Dr. Campbell's four year term will expire December 31, 2005.

**VFD Trustees, Fireman's Relief Fund:**

Commissioner Hunsucker made the following reappointments for two year terms, expiring January 01, 2004:

Walter Cornwell, St. Stephens Fire Department Trustee, for a third term

Foy R. Huss, Cooksville Fire Department Trustee, for a third term

Jimmie W. Leatherman, Mountain View Fire Department Trustee, for a third term

Billie Leonhardt, Propst Fire Department Trustee, for a third term

Walter Shrum, Maiden Fire Department, for a third term

Jerry Loy Sigmon, Oxford Fire Department Trustee, for a third term

Stanly W. Stewart, Bandys Fire Department, for a fourth term

Eddie White, Sherrills Ford Fire Department Trustee, for a third term

Commissioner Hunsucker appointed Wayne Boston to fill the unexpired term of Dwight Caldwell from Bandys Fire Department. Term expires January 1, 2003.

**Western Piedmont Sister Cities Association Board of Commissioners:**

Commissioner Barnes reappointed Dr. W. Grimes Byerly for a two-year term retroactive to July 1, 2001, and ending June 30, 2003.

Chairman Ikerd made a motion to approve the aforementioned appointments. The motion carried unanimously.



8. Consent agenda:

The following items were grouped as the Consent Agenda and was presented by County Manager J. Thomas Lundy. No member of the Board asked for separate consideration.

a. Bid No. 02-1008 – Excavator.

The County needs a 72,000 pound class excavator to load soil into trucks for daily cover, land clearing, and stump splitting at the landfill. The excavator we currently have will be dedicated to wood grinding, concrete crushing and will be used at remote locations for special projects.

The following bids for a 72,000 pound class excavator were received on November 28, 2001:

Besttracs	John Deere 330LC	\$193,700
	5 Year/7500 hour warranty	\$ 12,980
	7 Year/5000 hour warranty	\$ 7,950
Briggs Construction Equip	Case 9050B	\$176,800
	5 Year/5000 hour warranty	\$ 8,635
	7 Year/7500 hour warranty	\$ 21,970
Carolina Tractor	Cat 330BL	\$206,500
	5 Year/7500 hour warranty	\$ 14,630
	7 Year/5000 hour warranty	\$ 17,100
A.E. Finley	Kobelco SK330LC	\$184,176
	5 Year/7500 hour warranty	\$ 32,200
	7 Year/5000 hour warranty	\$ 37,200
Mitchell Distributing Co.	Komatsu PC300LC-6LE	\$217,828
	5 Year/7500 hour warranty	No charge
	7 Year/5000 hour warranty	No bid

The specifications asked for a 5 Year/7,500 hour warranty and an alternate bid for 7 Year/5,000 hour warranty. Briggs Construction took several exceptions to the specifications as follows:

- drawbar pull is 3,650 pounds – under specifications
- lifting capacity is 1,300 pounds – under specifications
- digging force is 1,280 pounds – under specifications
- arm digging force is 1,270 pounds – under specifications
- warranty – bid 5 Year/5,000 hours and 7 Year/7,500 hours

The drawbar pull is the amount of force that the tracks put forth to move the excavator. The lifting capacity is important and is needed to lift as much dirt as possible to load the trucks faster. The digging force is important to be able to pry dirt from the banks.

The specifications asked for a 5 Year/7500 hour warranty which means the warranty would be good for five years or 7500 hours whichever comes first. Staff asked for an alternate bid for a 7 Year/5000 hour warranty which means the warranty would be good for seven years or 5000 hours, whichever comes first.

Briggs Construction changed the warranty requirement on their bid. They submitted a warranty price for 5 Years/5000 hours and 7 Years/7500 hours.

Besttracs bid a John Deere 330LC which meets all specifications.

The Finance and Personnel Subcommittee recommended that the Board of Commissioners award the bid to Besttracs LLC in the amount of \$193,700 and to accept the 7 Year/5,000 hour warranty.

Sufficient funds are available for this project. The amount originally budgeted for this project was \$200,000.

b. Condemnation Resolution for Real Property.

The Public Works Subcommittee requested that the Board of Commissioners authorize the condemnation of property consisting of two tracts at the intersection of East Maiden Road and Jim Beard Road owned by Nova Lee Goodson Starr Heirs, for the location of a pumping station and elevated storage tank for the East Maiden Road Waterline Extension grant project. Funds in the amount of \$37,600 will be deposited with the Clerk of Superior Court for just compensation of the property being condemned.

The property identified for locating the elevated tank and pump station consists of two tracts, pin #3656-02-57-4161 (lot 1) and #3656-02-57-6029 (lot 2) is owned by Nova Lee Goodson Starr Heirs. The property has been appraised at \$37,600. An offer of \$37,600 was made to the owners, expiring on November 15, 2001. Notice of Condemnation was mailed, certified on November 21, 2001, to all property owners and shall serve as official Notice of Action under Chapter 40A of the North Carolina General Statutes.

**RESOLUTION NO. 2001-285  
AUTHORIZING CONDEMNATION**

WHEREAS, the Government of Catawba County, North Carolina is undertaking acquisition activities necessary for the expansion of the County's water system; and

WHEREAS, in order to provide for the necessary and expedient purchase of real property designated to be acquired for the expansion of water infrastructure through the property, the Government of Catawba County, North Carolina has negotiated with the property owners in an attempt to acquire the necessary property by negotiation in accordance with state law; and it appears that negotiations will not be successful in acquiring the needed property.

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the attorney for the County of Catawba be, and he/she hereby is, authorized to institute condemnation action against:

Nova Lee Goodson Starr Heirs Deed Book 505, Page 354  
Property Identification Numbers: 3656-02-57-4161 and 3656-02-57-6029

Being a 0.8 acre portion, more or less, and a 0.91 acre portion, more or less, of the following property described in Deed Book 505 at Page 354 and further described in Plat Book 43 at Page 186, Lots 1 and 2 respectively.

THIS RESOLUTION is effective as of the 17<sup>th</sup> day of December 2001.

CATAWBA COUNTY BOARD OF COMMISSIONERS  
/s/ W. Steve Ikerd, Chairman

Attest  
/s/ Thelda B. Rhoney, Clerk

c. Southeastern Catawba County Pump Station Bid.

The Public Works Subcommittee recommended that the Board of Commissioners award the Southeastern Catawba County Pump Station project to Gilbert Engineering Co., of Statesville, North Carolina in the amount of \$227,442. The booster pump station will be located on Shiloh Road. The bid includes a 1,000 square foot brick building, two (2) sixty horsepower pumps and all associated piping, valves, electrical and control work. The bid also includes site work, pavement, fencing and related appurtenances. Other bids: Ronny Turner Construction Co., Inc. - \$232,700; S. L. Wilson, Inc. - \$244,000; Buckeye Construction Co., Inc. - \$247,300; James E. Harris Const. Co., Inc. - \$250,880; Streamline, LLC - \$253,000; RPB Systems, Inc. - \$289,950; Hickory Construction Co., Inc. - \$292,000; and Good Water, Inc. - \$398,500.

The Public Works Subcommittee recommended that the Board of Commissioners a) award the Southeastern Catawba County Pump Station Project to Gilbert Engineering Co. of Statesville, North Carolina in the amount of \$227,442; and, b) appropriate funds from the Unspecified Water and Sewer Projects Fund for the construction.

Transfer From  
415-431100-861500-20001 \$227,442  
Unspecified Water & Sewer Projects

To  
415-431100-861500-26007 \$227,442  
SECC Interconnect Waterline

d. Refund Requests for December 2001.

Five refund requests totaling \$471.08 have been made to the Tax Office. The records have been checked and these refunds verified.

Cerrito, Chris J + Sherrie L, 1401 Main Ave SW, Hickory NC 28602  
Account No. 011628180 PIN 2792-08-89-8109.0000

Two houses located on this property were demolished August/September, 2000 by the City of Hickory while the City owned the property. Mr. and Mrs. Cerrito purchased the property on March 30, 2001 from the City. The valuation charged on the 2001 tax bill included these houses, resulting in an overpayment made by Mr. and Mrs. Cerrito. They have requested a refund for this amount.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Total</u>
2001	39,900	.495	197.51	\$197.51 *

\* This is in the City of Hickory.

Goodson, Garrett Lee, 5195 NC Hwy 16 S, Maiden NC 28650  
Account No. 24640700

For tax year 2000, Mr. Goodson was billed personal property taxes on a Wellcraft Boat that he sold in May of 1999. Mr. Goodson paid the bill and has requested a refund for the amount he overpaid on the 2000 taxes.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Late- List</u>	<u>Bandys Rate</u>	<u>Tax</u>	<u>Late- List</u>	<u>Total</u>
2000	17,025	.495	84.27	8.43	.039	6.64	.66	\$100.00

Howard, Nelson Edward + Mary Anne M., 2784 Mauldin Rd, Vale, NC 28168  
Account No. 032536100 PIN 2688-01-36-1325.0000

Mr. and Mrs. Howard appealed the 1999 assessed value of their property during the 1999 informal review meetings. The value was reduced, but due to a clerical error, the incorrect value was keyed. As a result, the owners overpaid County taxes in 1999 and 2000. The 2001 bill has been corrected. Mr. and Mrs. Howard have requested a refund for their overpayment of 1999 and 2000 taxes.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>County Rate</u>	<u>Tax</u>	<u>Propst Total</u>
1999	5,300	.495	26.24	.065	3.45	\$29.69
2000	5,300	.495	26.24	.065	3.45	29.69
	Total					\$59.38

Phillips, Ray Allen + Darlene S, 6214 Heavner Road, Vale, NC 28168-8926  
Account No. 51601100

Mr. Phillips paid taxes on a 1967 Mustang and a 1993 Mayflower Boat he didn't own on January 1, 2001. Mr. Phillips has requested a refund for the amount of his 2001 overpayment.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	County <u>Tax</u>	Late- <u>List</u>	Propst <u>Rate</u>	<u>Tax</u>	Late- <u>List</u>	<u>Total</u>
2001	14,965	.495	74.08	7.41	.065	9.73	.97	\$92.19

Sigmon, Von Franklin + Mettaleen D., 2345 Rome Jones Rd, Newton, NC 28658

Account No. 063510050, PIN 3638-08-89-8862.0000

Mr. and Mrs. Sigmon have been incorrectly listed as having a fireplace in their home. From the outside, it appears as though there is a regular fireplace, but upon inside inspection, it was verified there is only a flue in the basement. Mr. Sigmon has requested a refund for the overpayment of taxes for years 1999 and 2000.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	County <u>Tax</u>	Newton Rural <u>Rate</u>	<u>Tax</u>	<u>Total</u>
1999	2,000	.495	9.90	.05	1.00	\$10.90
2000	2,000	.495	9.90	.06	1.20	<u>11.10</u>
					Total	\$22.00

Commissioner Hunsucker made a motion to approve all items on the Consent Agenda. The motion carried unanimously.

### End Consent Agenda

#### 9. Departmental Reports:

##### a. Catawba Economic Development Corporation:

1. Resolution Approving the Issuance of \$4,200,000 Maximum Aggregate Principal Amount of Industrial Development Revenue Bonds (von Drehle Properties, LLC Project), Series 2001 of the Catawba County Industrial Facilities and Pollution Control Financing Authority to Finance a Project in Catawba County for von Drehle Properties, LLC and Approving the Project.

Ms. Bebe Leitch, Vice President, Catawba County Economic Development Corporation said the project consists of the acquisition of land located on West Maiden Road in Maiden, the construction of a 150,000 s.f. manufacturing facility and the acquisition and installation of machinery and equipment to convert large paper rolls into products that can be used in paper towel dispensers or other commercial paper products. Initially approximately 40 new jobs will be created and a total of 70 jobs when fully operational. The wages paid will be above the Catawba County average of \$15.56 per hour. A public hearing was held by the Board of Commissioners on May 29, 2001, to consider the request of industrial revenue bond financing in the amount of \$6,500,000 for von Drehle Properties. The company has since restructured the financing and will ask for only \$4,200,000 in industrial revenue bond financing for the construction of the building. The purchase of the land and equipment will be financed through private funding.

#### Resolution No. 2001-286

**“Resolution approving the issuance of \$4,200,000 maximum aggregate principal amount of industrial development revenue bonds (von Drehle Properties, LLC project), Series 2001 of the Catawba County Industrial Facilities and Pollution Control Financing Authority to finance a project in Catawba County for von Drehle Properties, LLC and approving the project”**

BE IT RESOLVED by the Board of Commissioners for the County of Catawba:

Section 1. The Board of Commissioners has determined and does hereby declare as follows:

- (a) The Board of Commissioners of The Catawba County Industrial Facilities and Pollution Control Financing Authority (herein referred to as the “Authority”) will meet and take the following action in connection with the proposed issuance and sale of the Authority’s Industrial Development Revenue Bonds (von Drehle Properties, LLC Project), Series 2001 (the “Bonds”), in the maximum aggregate principal amount of \$4,200,000:

- (1) approve the form of Loan Agreement, dated as of December 1, 2001 (the "Loan Agreement"), between the Authority and von Drehle Properties, LLC, as Borrower (the "Company");
- (2) approve the form of Indenture of Trust, dated as of December 1, 2001 (the "Indenture"), between the Authority and The Bank of New York, as trustee (the "Trustee"), with the form of Bond attached as Exhibit A thereto;
- (3) approve the form of Letter of Credit, to be dated the date of delivery of the Bonds (the "Letter of Credit"), from Branch Banking and Trust Company (the "Bank") to the Trustee;
- (4) approve the form of Letter of Credit and Reimbursement Agreement, dated as of December 1, 2001 (the "Letter of Credit and Reimbursement Agreement"), between the Company and the Bank;
- (5) approve the form of Bond Purchase Agreement, to be dated as of December 26, 2001 (the "Bond Purchase Agreement"), among the Authority, the Company and Branch Banking and Trust Company, as underwriter (the "Underwriter");
- (6) approve the form of Official Statement, to be dated the date of publication thereof, to be used in connection with the offering and sale of the Bonds by the Underwriter.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina, the Board of Commissioners for the County of Catawba hereby approves the issuance by the Authority of its Industrial Development Revenue Bonds (von Drehle Properties, LLC Project), Series 2001 in the maximum aggregate principal amount of \$4,200,000.

Section 3. This resolution shall take effect immediately upon its passage.

/s/ Thelda B. Rhoney, County Clerk

Commissioner Barnes moved to pass the foregoing resolution, and the resolution was passed by the following vote:

Ayes: Ikerd, Huffman, Barnes, Beatty, and Hunsucker

Noes: None

10. Manager's Report. None.

11. Other items of business:

- a. Transfer of Funds & Supplemental Appropriation–Newton-Conover City Schools.

Facilities Director Michael Talbert said he had received a request from the Newton-Conover City School requesting authorization to transfer \$8,146.15 from completed Schools Capital Projects and a supplemental appropriation of \$36,853.85 from Schools Capital Projects Fund Balance for the replacement of the public address system at Shuford Elementary School. The public address system at Shuford Elementary School has failed and can no longer be repaired. The system has been repaired many times and replacement parts are no longer available. The system is a safety hazard and is no longer sufficient to provide service for the teachers and students in the school. Replacing the public address system is been combined with repairing the cable TV system damaged by lighting and additional motion detectors to cover hallways not covered. All of this work will be done above the ceiling. Coordinating this work at one time will minimize cost and disruption in the school. Total cost of this project is estimated to be \$45,000. A total of \$8,146.15 is available from completed projects and \$36,853.85 can be appropriated for School Capital Projects Fund Balance. This project was requested but not funded in the 2001/2002 Schools Capital Project Fund. Staff recommends that the Board of Commissioners authorize the transfer of \$8,146.15 from completed Schools Capital Projects and a supplemental appropriation of \$36,853.85 from Schools Capital Projects Fund Balance for the replacement of the public address system at Shuford Elementary School.

Transfers:

From:

420-750100-864200-33108-3-01	Roof Community Schools	\$1,133.85
420-750100-864200-33102-3-07	AC Computer Room NCHS	\$3,820.26
420-750100-864200-33110-3-03	Info Hwy Renovations	\$ 339.13
420-750100-864200-33102-3-10	Refinish Gym floor NCHS	\$2,852.91

To:

420-750100-864200-33104-3-03	Public Address System	\$8,146.15
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Supplemental Appropriation:

Revenues:

420-750050-690100	Fund Balance Applied	\$36,853.85
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Expenditures:

420-750100-864200-33104-3-03	Public Address System	\$36,853.85
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Commissioner Beatty asked if the current public address system they now have at Shuford Elementary School would work with the Simplex system?

Dr. Crawford said it is the same system installed in several other schools recently and he does not know if it is compatible.

Commissioner Beatty said they could have additional charges each month. Dr. Crawford said he had not been informed of additional charges.

Dr. Crawford said the current system was installed in 1969 and there are no available parts for the outdated system.

Commissioner Hunsucker made a motion to transfer funds and supplemental appropriations for the request from Newton-Conover City Schools for a public address system at Shuford Elementary School. The motion carried unanimously.

b. Adoption of Goals by the Board of Commissioners for FY2001-2002.

Mr. Steven D. Wyatt, Deputy County Manager said the Catawba County Board of Commissioners annually adopts a set of goals to guide staff in the preparation of the upcoming fiscal year budget. The goals define the priorities of the Board and direct the County government organization in the budget process. On November 30, 2001, the Board of Commissioners convened in open session at the St. Stephens Branch Library for the purpose of developing its 2002-2003 goals. Seven priority issues were identified for consideration and action.

**CATAWBA COUNTY BOARD OF COMMISSIONERS  
GOALS FOR BUDGET YEAR 2002/2003**

1. Working in partnership with the City of Claremont, establish a branch library to serve the northeastern section of the county.
2. Continue the implementation of the Emergency Services Strategic Plan to insure appropriate and cost effective allocation of emergency services resources throughout the county.
3. Develop and implement a policy to identify and evaluate factors to be considered in the extension of County-financed utilities.
4. Evaluate the final recommendations of the Sherrills Ford and Mountain View Small Area Planning Committees for adoption and implementation. Continue the Small Area Planning for Oxford/St. Stephens, Balls Creek, and Catawba, including adoption of final recommendations and implementation.
5. Maintain the schedule to successfully implement the County's first 4-year revaluation cycle.
6. Continue to work with the Catawba County Economic Development Commission, the FORESIGHT Steering Committee and partner municipalities to strengthen the local economy.

7. Identify and establish alternative locations for the disposal of land clearing debris.

Adopted this 17<sup>th</sup> day of December, 2001.

Commissioner Huffman made a motion to approve the aforementioned seven goals. The motion carried unanimously.

- c. Chairman Steve Ikerd announced in the coming year he would not be a candidate for county commissioner.
- d. Commissioner Marie H. Huffman announced that she would not seek office again.

12. Attorneys' Report.

County Attorney Robert Oren Eades requested that the Board consider a Closed Session, in accordance with NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body to discuss pending litigation in the Charles S. Wilfong and Jack C. Wilfong case, 2000 CvS 3270; and Robert, Sarah, and Charlotte Mauser cases, 2000 CvS 3391 and 2000 CvS 3392. Attorney Eades said he did not anticipate any action after closed session.

At 7:55 p.m. Commissioner Barnes made a motion to recess into Closed Session, in accordance with NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body to discuss pending litigation in the Charles S. Wilfong and Jack C. Wilfong case, 2000 CvS 3270; and Robert, Sarah, and Charlotte Mauser cases, 2000 CvS 3391 and 2000 CvS 3392.

13. Adjournment.

At 8:37 p.m. the Board returned to regular session and there being no further business to come before the Board, Commissioner Barnes made a motion to adjourn. The motion carried unanimously.

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W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

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Thelda B. Rhoney  
County Clerk